

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARGARITA ACOSTA, MARISOL ACOSTA, JOSE
ACOSTA, ELENA ACOSTA, EDGAR ACOSTA by
his grandmother and legal guardian Margarita
Acosta, DARRELL ACOSTA by his mother and
natural guardian Elena Acosta, ORLANDO
DeJESUS by his mother and natural guardian Elena
Acosta, and JEANNETTE TORRES,

Plaintiffs,

-against-

THE CITY OF NEW YORK, DOMINIC GENTILE.
JOSEPH BELISE, DENNIS CANALE, YEN CHU,
MELVILLE MAURICE, ANDREW McGOEY,
PATRICK SCOLLAN, PETER SMITH, and "JOHN"
or "JANE" DOE 1-10, the names being fictitious
and presently unknown, individually in their
capacity as employees of the New York City Police
department,

Defendants.

NOTICE OF ACCEPTANCE
OF OFFER OF JUDGEMENT
UNDER FED.R.CIV.P. 68
04 CV 7819 (KMW)(AJP)

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PLEASE TAKE NOTICE that plaintiff EDGAR ACOSTA accepts defendant
City of New York's February 28, 2005 Offer of Judgment.

Dated: March 14, 2005
Brooklyn, New York

Law Offices of Matthew Flamm
Attorney for Plaintiff Edgar Acosta

S/

By: Matthew Flamm **MF1309**
26 Court Street, Suite 600
Brooklyn, New York 11242
(718) 797-3117

To: Seth Eichenholtz
Assistant Corporation Counsel
Attorney for Defendant City of New York

**Defendant City of New York's February 28, 2005
Offer of Judgment to EDGAR ACOSTA Under Fed.R.Civ.P. 68**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARGARITA ACOSTA, et al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.
-----X

RULE 68
OFFER OF JUDGMENT

04-CV-7819 (KMW)(AJP)

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City of New York hereby offers to allow plaintiff Edgar Acosta to take judgment against it in this action for the sum of Ten Thousand and One (\$10,001.00) Dollars, plus his pro rata share of reasonable attorneys' fees, expenses, and costs to the date of this offer.

This judgment shall be in full satisfaction of all claims or rights that plaintiff Edgar Acosta may have to damages, or any other form of relief, arising out of the alleged acts or omissions of the defendants City of New York, Gentile, Belise, Canale, Chu, Maurice, McGoe, Scollan, and Smith or any official, agent, or employee, either past or present, of the City of New York in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure; it is not to be construed as an admission of liability by any defendant, official, employee, representative, or agent, past or present, of the City of New York; nor it is an admission that plaintiff has suffered any injury or damages.

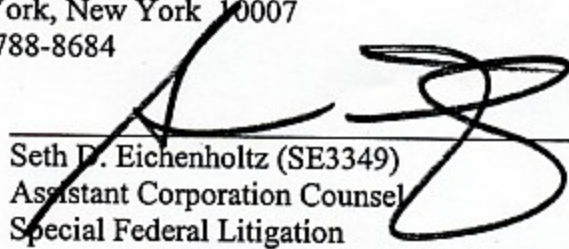
Acceptance of this offer of judgment will act to release and discharge the defendants; their successors or assigns; and all past and present officials, employees,

representatives and agents of the City of New York from any and all claims that were or could have been alleged by plaintiff in the above-referenced action.

Dated: New York, New York
February 28, 2005

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City, Gentile, Belise,
Canale, Chu, Maurice, McGoe, Scollan, and Smith
100 Church Street
New York, New York 10007
(212) 788-8684

By:


Seth D. Eichenholtz (SE3349)
Assistant Corporation Counsel
Special Federal Litigation

To: Matthew Flamm, Esq.
Attorneys for Plaintiffs
26 Court Street, Suite 600
Brooklyn, New York 11242

**Proof of Service of Plaintiff's March 14, 2005 Acceptance of
Defendant City of New York's February 28, 2005
Offer of Judgment Under Fed.R.Civ.P. 68**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

MARGARITA ACOSTA, MARISOL ACOSTA, JOSE ACOSTA, ELENA ACOSTA, EDGAR ACOSTA by his grandmother and legal guardian Margarita Acosta, DARRELL ACOSTA by his mother and natural guardian Elena Acosta, ORLANDO DeJESUS by his mother and natural guardian Elena Acosta, and JEANNETTE TORRES,

Plaintiffs,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

-----x

STATE OF NEW YORK)
 :SS.:
COUNTY OF KINGS)

MATTHEW FLAMM, declares the following under penalty of perjury pursuant to 28 U.S.C. §1746:

I am an attorney for plaintiff EDGAR ACOSTA in the above-entitled action, and that the attached Offer of Judgment Pursuant to Fed.R.Civ.P. 68, made by the defendant City of New Yorks, was served on me by hand on March 1, 2005, and that I served on March 14, 2005 the attached Notice of Acceptance of Rule 68 Offer of Judgement upon Seth Eichenholtz, New York City Law Department, 100 Church Street, attorney for defendants, that being the address within the State theretofore designated for that purpose, by enclosing same in a prepaid wrapper in a post office box situated at 26 Court Street, Brooklyn, New York, regularly maintained by the Government of the United States in said City.

Dated: March 14, 2005
Brooklyn, New York

S/
Matthew Flamm

PROOF OF SERVICE OF
DEFENDANT CITY OF NEW
YORK'S FEBRUARY 28, 2005
OFFER OF JUDGMENT UNDER
FED.R.CIV.P. 68 AND
PLAINTIFF EDGAR ACOSTA's
MARCH 14, 2005 ACCEPTANCE
04 CV 7819 (KMW)(AJP)